

DOCKET NUMBER WD70247
MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: January 19, 2010

RONALD HOFFMAN AND RANDY HOFFMAN, RESPONDENTS,

v.

**THE ESTATE OF JACK SILER, CRYSTAL JONES, PERSONAL
REPRESENTATIVE AND CRYSTAL JONES, APPELLANT.**

Appeal From:
LAFAYETTE COUNTY CIRCUIT COURT
THE HONORABLE JOHN E. FRERKING, JUDGE

Appellate Judges:
Division One: Alok Ahuja, P.J., James M. Smart, Jr., and Lisa White Hardwick, JJ.

Attorneys:
John B. Neher, Lexington, MO, **for appellant.**

Robert H. Schnieders, Oak Grove, MO, **for respondent.**

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS, WESTERN DISTRICT

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v.

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LAFAYETTE COUNTY CIRCUIT COURT

Ronald and Randy Hoffman farmed property that belonged to Jack Siler for several years. After Mr. Siler died in 2004, the personal representative of his estate, Crystal Jones, asked the Hoffmans to continue to farm the property and split the expenses and profits fifty/fifty. In 2006, five days before the "agricultural year" commenced, Crystal Jones' attorney sent a letter to the Hoffmans purporting to terminate their agreement. The letter stated that their arrangement was that of a "sharecropper," for which no notice to terminate is required.

The Hoffmans filed a petition alleging unlawful eviction. They alleged that they were year-to-year tenants and, thus, entitled to sixty days' notice before termination under section 441.050. The Hoffmans sought damages for their lost profits and litigation costs. The evidence presented at the bench trial showed that the Hoffmans did everything with regard to farming the property, including maintaining the property, harvesting the crops and delivering them for payment, and handling the government crop subsidy program. The landowner did not cultivate or harvest any crops on the land. There were no facts indicating that the Hoffmans' activities on the land were restricted or that they lacked access to the entire property.

The trial court found that the Hoffmans were year-to-year tenants and, thus, were wrongfully evicted without the proper sixty days' notice. The court entered judgment in favor of the Hoffmans and awarded damages. Ms. Jones appeals.

AFFIRMED.

Division One holds: Whether a farm cultivator is a tenant or a sharecropper depends on the facts of the relationship agreed to by the parties. The interpretation of the factual premises and the reasonable inferences drawn therefrom are appropriately left for the trial court as a fact finder. The court's determination that the Hoffmans "were year-to-year tenant farmers rather than simply sharecroppers" was supported by substantial evidence, was not against the weight of the evidence, and did not misinterpret or misapply the law.

Opinion by: James M. Smart, Jr., Judge

January 19, 2010

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